

CHAPTER 53 RENT SUBSIDY PROGRAM

PREAMBLE

This chapter defines and structures the rent subsidy program for persons who participate in a home- and community-based service (HCBS) waiver program and who are at risk of nursing facility placement. This program is designed to provide rent assistance to these persons to help them live successfully in their own home and community.

441—53.1(79GA,HF732) Definitions.

“*Adult*” means a person aged 18 or over.

“*Child*” or “*children*” means a person or persons under 18 years of age.

“*Department*” means the Iowa department of human services.

“*Home-and community-based waiver program*” means any of the waiver programs administered by the department under the provisions set forth in 441—Chapter 83 including, but not limited to, the ill and handicapped waiver, the elderly waiver, the AIDS/HIV waiver, the mental retardation waiver, the brain injury waiver, and the physical disabilities waiver.

“*Nursing facility*” means a nursing facility as defined in Iowa Code section 135C.1, subsection 13.

“*Residential-based supported community living services*” means residential-based supported community living services as defined in 441—subrule 78.41(10).

441—53.2(79GA,HF732) Eligibility requirements. All of the following criteria shall be met.

53.2(1) *HCBS recipient.* The person shall be an adult recipient of one of the home- and community-based services waiver programs or a child receiving residential-based supported community living services under the mental retardation home- and community-based services waiver program.

53.2(2) *Discharged from a medical institution.* Rescinded IAB 8/6/03, effective 7/10/03.

53.2(3) *Demonstrated need.* To demonstrate need, adult applicants must provide evidence that they are responsible for paying more than 30 percent of their income for rent and that they are not receiving and are ineligible for other rental assistance. In the case of children receiving residential-based supported community living services under the mental retardation home- and community-based services waiver program, they or their families or guardians must provide evidence that the children are not receiving and are ineligible for other rental assistance and that more than 30 percent of the children’s income is obligated for rent.

This program may not be used to substitute for any other subsidy that a person had been receiving at the time of or prior to the time of application to this program. Persons receiving rental assistance at the time of or prior to the time of application to this program shall not be eligible.

53.2(4) *Risk of nursing facility placement.* Applicants who can avoid placement in a nursing facility by accessing this rent subsidy program and by use of services provided under an HCBS waiver shall be eligible for rental assistance. Applicants must be able to demonstrate both of the following:

a. That they have insufficient funds to pay their community housing costs and that insufficient funds will cause them to enter a nursing facility.

b. That participating in an HCBS waiver will prevent them from entering a nursing facility and that access to this rent subsidy program is required so that they may live in a community living arrangement permitted under a waiver.

53.2(5) *Turning 18 years of age.* Rescinded IAB 8/6/03, effective 7/10/03.

53.2(6) *Ineligible for other rent subsidies.* The person shall have been determined ineligible or be on the waiting list for rent subsidy programs under the U.S. Department of Housing and Urban Development (HUD) or any other available rent subsidy programs.

53.2(7) *Responsible for rent.* Adult program participants shall be financially responsible for rent or housing costs. In the case of children receiving residential-based supported community living services under the mental retardation home- and community-based services waiver program, they or their families must demonstrate this financial responsibility.

441—53.3(79GA,HF732) *Application.* Applications for the rent subsidy program may be obtained at any county office of the department. Applications shall be submitted to the Department of Human Services, Bureau of Long-Term Care, 1305 East Walnut, Hoover State Office Building, Des Moines, Iowa 50319-0114.

53.3(1) *Application process.* A person who wishes to apply shall complete Form 470-3302, Application for HCBS Rent Subsidy, and provide verification of the following:

a. The person's estimated monthly income for the 12 months following application, including written evidence from the income sources used to determine that income.

b. Written evidence from sources of local rental assistance available in the applicant's community that the applicant has applied for that rental assistance and that the applicant has been determined ineligible or placed on a waiting list for that rental assistance.

c. The amount of the person's rent payment.

d. Rescinded IAB 10/29/03, effective 1/1/04.

53.3(2) *Date of application.* The date of the application shall be the date the application, including written verification of income, written verification of application to other rental assistance programs, and written verification of risk of nursing facility placement is received by the bureau of long-term care.

53.3(3) *Eligibility determination.* The person or the person's legal guardian shall be notified within 15 working days of the date of application of the department's eligibility determination. The notice shall state the date payments shall begin, the amount of monthly payments and, if different, the amount of the first two payments.

53.3(4) *Waiting list.* After funds appropriated for this purpose are obligated, the department shall deny pending applications.

a. A denial shall require a notice of decision to be mailed within 15 working days. The notice shall state that the applicant meets eligibility requirements but no funds are available and that the applicant shall be placed on the waiting list, or that the applicant does not meet eligibility requirements.

b. Applicants not awarded funding who meet the eligibility requirements shall be placed on a statewide waiting list according to the order in which the completed applications and verification were received by the bureau of long-term care. In the event that more than one application is received at one time, the person shall be entered on the waiting list on the basis of the day of the month of the person's birthday, lowest number being first on the waiting list. Any subsequent tie shall be decided by the month of birth, January being month one and the lowest number.

c. When funding allows additional persons to be added to the rent subsidy program, they shall be taken from the statewide waiting list, and their eligibility shall be redetermined at that time. An application packet, which includes instructions and necessary forms for verification of continuing eligibility, shall be sent to these persons for completion and returned to the bureau of long-term care within timelines specified by the department. If the signed application and verification of continuing eligibility are not received by the timeline specified by the department, the person's name shall be dropped from consideration for receipt of the rent subsidy payment.

441—53.4(79GA,HF732) Amount of rent subsidy.

53.4(1) *Use of subsidy.* Assistance shall be used for rental expense.

53.4(2) *Maximum monthly payment for rent.* Assistance for rent shall be equal to the rent paid, not to exceed 110 percent of the maximum prevailing fair market rent under guidelines of the applicable United States Department of Housing and Urban Development (HUD) low-rent housing program in the area where the person's residence is located, less 30 percent of the gross income of the individual consumer. The fair market rent used shall be that for a one-bedroom home or a proportionate share of rental costs in living units containing more than one bedroom.

53.4(3) *Assistance with other purchases.* Rescinded IAB 10/29/03, effective 1/1/04.

53.4(4) *Monthly payment.* Consumers approved for rent subsidy payments shall receive an ongoing monthly payment which is equal to the amount determined pursuant to subrule 53.4(2). An approved subsidy shall be payable as of the first of the month following approval. The initial payment will also include any approved payments for prior months.

441—53.5(79GA,HF732) Redetermination of eligibility.

53.5(1) *Time of completion.* A redetermination of eligibility for rent subsidy payments shall be completed:

- a. At least once every 12 months.
- b. When a change in circumstances occurs that affects eligibility in accordance with rule 441—53.2(79GA,HF732).
- c. If the person moves from the residence stated on Form 470-3302.
- d. When there is a change in income.

53.5(2) *Review packet.* The bureau of long-term care shall send a review packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 60 calendar days before the deadline date for annual redetermination of eligibility.

a. The recipient shall submit the completed Form 470-3302, Application for HCBS Rent Subsidy, and required verification materials annually to the Department of Human Services, Bureau of Long-Term Care, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

b. If the bureau of long-term care does not receive the signed application and verification of continuing eligibility by the thirtieth day following the date the review packet is sent, the person's subsidy shall be terminated.

441—53.6(79GA,HF732) Termination of rent subsidy payments.

53.6(1) *Reasons for termination.* The rent subsidy shall terminate at the end of the month in which any of the following occur and a notice shall be sent which states the reason for the termination:

a. The person does not meet one or more of the eligibility criteria listed in rule 441—53.2 (79GA,HF732).

b. The person dies.

c. Completion of the required documentation is not received.

d. No further funds are available for the rent subsidy program.

53.6(2) *Reporting of changes.* The person is required to report to the bureau of long-term care within ten working days any changes which may affect eligibility. Failure to do so may result in responsibility for repayment of funds and termination of the subsidy. (See rule 441—53.7 (79GA,HF732).)

53.6(3) *Insufficient funding.* If funds are not sufficient to cover payments for all persons on the subsidy, persons shall be terminated from the subsidy in inverse order to the dates they began receiving payments, i.e., the last person to be added to the subsidy being the first person to be removed. The person terminated shall move back to the waiting list with the person's original application date dictating the person's position on the waiting list as stated at subrule 53.3(4). The bureau of long-term care is responsible for notifying the persons who will be removed from the subsidy for this reason.

441—53.7(79GA,HF732) Fraudulent practices relating to the rent subsidy program. A person is guilty of a fraudulent practice if that person with the intent to gain financial assistance to which that person is not eligible, knowingly makes or causes to be made a false statement or representation or knowingly fails to report to an employee of the department any change in circumstances affecting that person's eligibility for financial assistance. In cases of found fraudulent practices, the department may require repayment of the amount that was received by the recipient while ineligible as a condition of continued participation in the rent subsidy program.

441—53.8(79GA,HF732) Appeals. The applicant or recipient may appeal a denial of an application or termination of the subsidy payment pursuant to 441—Chapter 7.

These rules are intended to implement Iowa Code section 217.6; 2001 Iowa Acts, chapter 191, section 11, subsection 3; 2002 Iowa Acts, Second Extraordinary Session, chapter 1003, section 118, subsection 3; and 2003 Iowa Acts, House File 667, section 50, subsection 3.

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